
IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

NUTRACEUTICAL CORP.,

Plaintiff,

vs.

INTERNATIONAL PIGMENT & COLOR
CORP.,

Defendant.

ORDER DIRECTING
INTERNATIONAL PIGMENT TO
RETAIN COUNSEL

Case No. 2-06-CV-00455

This matter is before the court on plaintiff Nutraceutical Corporation's Motion to Compel Rule 26(a) Initial Disclosures and for Sanctions and Motion to Dismiss defendant International Pigment & Color's Second Counterclaim for Relief. After its counsel withdrew, International Pigment filed through Mike Kafer, who is not an attorney, a motion for extension of time to provide initial disclosures. International Pigment, however, has not filed any opposition to the motion to dismiss.

The rule is well settled that a corporation can appear in a court of record only by an attorney at law.¹ Additionally, by local rule, a party represented by an attorney who has

¹See, e.g., *Tal v. Hogan*, 453 F.3d 1244, 1254 (10th Cir. 2006).

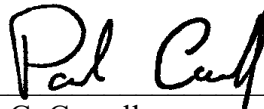
withdrawn must notify the clerk of the appointment of another attorney within twenty days or before any proceedings are conducted.²

Because the motion for an extension of time was not filed by a licensed attorney representing International Pigment the court cannot consider it. The court declines to rule on Nutraceutical's pending motions at this time. The court, however, ORDERS International Pigment to retain counsel who shall enter an appearance in this matter on or before February 27, 2007. Should International Pigment fail to do so, the court may without further notice dismiss International Pigment's counter-claims for failure to prosecute and grant Nutraceutical's motion to compel and/or for sanctions.

SO ORDERED.

DATED this 6th day of February, 2007.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Cassell", written over a horizontal line.

Paul G. Cassell
United States District Judge

²See D.U. Civ. R. 83-1.4(b).